

TO: The Honorable Board of Supervisors

FROM: L. Carol Edmonds, Interim County Administrator

DATE: May 11, 2009

SUBJECT: AGENDA REPORT

I. CALL TO ORDER

II. INTO CLOSED MEETING

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711

- (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

1. New River Community College Board
2. Social Services Board
3. Personnel

III. OUT OF CLOSED MEETING

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

IV. CERTIFICATION OF CLOSED MEETING

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

NAYS

ABSENT DURING VOTE

ABSENT DURING MEETING

V. INVOCATION

VI. PLEDGE OF ALLEGIANCE

VII. PUBLIC ADDRESS

VIII. DELEGATIONS

**A. SUBJECT: CHRISTIANSBURG INSTITUTE – VIRGINIA
TECH PARTNERSHIP**

Christiansburg Institute – Virginia Tech Partnership

Elaine Carter, Christiansburg Institute Board of Directors, will make a presentation on the Christiansburg Institute. (See TAB A.)

B. SUBJECT: MONTGOMERY COUNTY MUSEUM - HISTORY BOOK

Montgomery County Museum – History Book

Bob Poff, Treasurer, and Sue Farrar, Executive Director, will update the Board of Supervisors on the “Virginia’s Montgomery County” book. (See TAB **B**.)

C. SUBJECT: BOND REFUNDING

Bond Refinancing

Courtney Rogers, Davenport LLC, our Financial Advisor and Dan Siegel, Bond Counsel, will present a proposal for refunding of a portion of the County’s outstanding 2000 and 2001 Bonds. A resolution to approve the refunding is included under New Business. (See TAB **C**)

D. SUBJECT: VIRGINIA DEPARTMENT OF TRANSPORTATION

Virginia Department of Transportation

David Clarke, VDOT Residency Administrator, will update the Board of Supervisors on road issues/concerns in Montgomery County.

IX. ADDENDUM

X. CONSENT AGENDA

XI. OLD BUSINESS

**A. SUBJECT: SPECIAL USE PERMIT AMENDMENT
MONTGOMERY COUNTY SHERIFF’S
DEPARTMENT**

**R-FY-09-
SPECIAL USE PERMIT AMENDMENT
MONTGOMERY COUNTY SHERIFF’S OFFICE (AGENT: J.T. WHITT)
FOR THE PURPOSE OF AMENDING A SPECIAL USE PERMIT FOR A RADIO
TOWER PREVIOUSLY APPROVED ON JANUARY 23, 2006 (R-FY-06-106) TO
ALLOW PRIVATE CARRIERS TO LOCATE ON THE EXISTING TOWER**

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that upon the request of the Montgomery County Sheriff (Agent: Sheriff J. T. Whitt) to amend Special Use Permit R-FY-06-16 by eliminating the requirement that the tower shall only be utilized by government agencies, the Board of Supervisors hereby amend and re-approves Special Use Permit R-FY-06-16 with the following conditions:

1. The tower shall not exceed a total overall height of 160 feet and shall not have lighting.
2. Engineering plans signed and sealed by a licensed engineer in the state of Virginia shall be submitted and approved by the Building Official prior to issuance of a building permit.
3. The tower structure shall only be utilized by sheriff, police, fire rescue, Blacksburg Transit, and similar government agencies. Private paging companies who provide paging services for emergency purposes may also be placed on the tower. No platforms or dishes shall be permitted on the structure above the tree line.
4. Tower shall meet all regulations found in Section 10-48(6) of the Montgomery County Zoning Ordinance.

The property is located at 2080 Oilwell Road, and is identified as Tax Parcel No. 66-A-55A (Account ID# 071091) in the Prices Fork Magisterial District (District E). The property lies in an area designated as Residential Transition in the Comprehensive Plan.

JUSTIFICATION:

At their April 8, 2009 meeting, the Planning Commission recommended approval of this request. See TAB F for a copy of the Planning Commission's recommendation and a copy of the request.

XII. NEW BUSINESS

A. SUBJECT: BOND REFUNDING

R-FY-09- RESOLUTION TO REFINANCE LEASE REVENUE BONDS SERIES 1999, SERIES 2000B, SERIES 2000C AND SERIES 2001

SEE TAB **G** FOR A COPY OF THE RESOLUTION.

JUSTIFICATION:

This Bond Resolution authorizes the issuance of Bonds to refund the County's outstanding 1999 Bonds to achieve significant debt service savings (at this time, over a 3.0% net present value savings to the County).

The Bond Resolution also includes authorization to increase the bond issuance to include refunding of a portion of the County's outstanding 2000 Bonds and 2001 Bonds, if market conditions reflect a significant debt service savings for those bonds.

TAB **G** includes a copy of the resolution.

B. SUBJECT:

**STATE BUDGET CUTS
METHOD OF REIMBURSEMENT
FOR FY 2010**

**R-FY-09-
STATE BUDGET CUTS
METHOD OF REIMBURSEMENT
FOR FY 2010**

WHEREAS, The 2008 Appropriations Act requires the reduction in state aid to local governments in both FY 2009 and FY 2010; and

WHEREAS, The Act also provides three methods from which a locality can choose to carry out the required reduction which include:

1. Take the reduction from one or more programs on a list provided by the Department of Planning and Budget,
2. Make a reimbursement payment directly to the state for the total locality reduction,
3. Elect a combination of reductions and reimbursement payments,

WHEREAS, The Department of Planning and Budget identified Montgomery County's reduction for FY 10 totaling \$363,117.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that Montgomery County elects to use the reimbursement payment as the method to address the required state mandated funding reduction.

ISSUE/PURPOSE: Selection of Method for Payment of 2010 Flexible Cut.

JUSTIFICATION: For Fiscal Year 2009, the County elected to reimburse the Commonwealth for the mandated state "flexible cut". This resolution authorizes the same method be used for the mandated FY 10 "flexible cut". The certification of the method is due to the State by June 1, 2009. Included in TAB H is a copy of the State Reductions in Aid to Montgomery County.

C. SUBJECT: PROCLAMATION – NATIONAL POLICE WEEK

**R-FY-09-
PROCLAMATION
NATIONAL POLICE WEEK
MAY 10 – MAY 16 , 2009**

WHEREAS, The Congress and President of the United States have designated *May 15 as Peace Officers' Memorial Day*, and the week in which May 15 falls as *National Police Week*; and

WHEREAS, The members of the Montgomery County Sheriff's Office play an essential role in safeguarding the rights and freedoms of Montgomery County; and

WHEREAS, It is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our Montgomery County Sheriff's Office recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

WHEREAS, The men and women of the Montgomery County Sheriff's Office unceasingly provide a vital public service.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County calls upon all citizens of Montgomery County and all patriotic, civic and educational organizations to observe the week of *May 10, 2009* as *National Police Week* with appropriate ceremonies and observances in which all of our citizens may join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

BE IT FURTHER RESOLVED, The Board of Supervisors of Montgomery County calls upon all citizens of Montgomery County to observe *May 15, 2009* as *Peace Officers' Memorial Day* in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.

In witness thereof, I have hereunto set my hand and caused the Seal of Montgomery County to be affixed.

ISSUE/PURPOSE: Proclaim May 10 – 16, 2009 as National Police Week and May 15, 2009 as Peace Officer's Memorial Day. In 1962, President John F. Kennedy signed a Presidential Proclamation that set aside May 15 as National Peace Officers' Memorial Day and the week of May 15 as National Police Week. In 2009, National Police Week will run from Monday, May 11 through Sunday, May 17; however, events held in the Nation's capital will run from May 13 through May 16.

The Montgomery County Sheriff's Office has scheduled a ceremony in conjunction with National Police Week on Monday, May 18, 2009 in the front of the Montgomery County Courthouse. The ceremony is in honor of those officers who lost their lives during 2008 and to remember those from Montgomery County. See TAB I for a copy of a letter from Sheriff Tommy Whitt.

XIII. INTO WORK SESSION

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Status of Capital Projects Bond Funds (TAB J)

XIV. OUT OF WORK SESSION

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

XV. COUNTY ATTORNEY'S REPORT

XVI. COUNTY ADMINISTRATOR'S REPORT

1. Montgomery County Public Schools
– Auburn Strand Community Meeting (TAB **K**)

XVII. BOARD MEMBERS' REPORT

1. Supervisor Politis
2. Supervisor Muffo
3. Supervisor Creed
4. Supervisor Brown
5. Supervisor Marrs
6. Supervisor Biggs
7. Supervisor Perkins

XVIII. OTHER BUSINESS

XIX. ADJOURNMENT

FUTURE MEETINGS

Special Closed Meeting
Monday, May 18, 2009
6:00 p.m.

Special Closed Meeting
Tuesday, May 19, 2009
6:00 p.m.

Adjourned Meeting
Tuesday, May 26, 2009
6:00 p.m. – Closed Meeting Items
7:15 p.m. Regular Agenda

Regular Meeting
Monday, June 8, 2009
6:00 p.m. – Closed Meeting Items
7:15 p.m. Regular Agenda